# GOVERNMENT OF INDIA
# CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
# LOK SABHA

UNSTARRED QUESTION NO:1718
ANSWERED ON:12.03.2007
PENALTY ON NDMC
Sajjan Kumar Shri

**Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:**

(a) whether the Consumer Court in Delhi has recently imposed a fine on the New Delhi Municipal Council for negligence as regards upkeep of the Talkatora Garden and organizing marriage and other functions there; and

(b) if so, the details thereof?

## Answer

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI TASLIMUDDIN)

(a) : Yes Sir.

(b) : The Delhi State Consumer Disputes Redressal Commission vide its Order dated 4th January, 2007 passed in Complaint Case No.CC-43/2005 titled − Talkatora Garden Morning Walkers' Association & Others Vs. New Delhi Municipal Council & Others has imposed the punitive damages of Rs. 25 lakhs on the New Delhi Municipal Council for depositing in the State Consumer Welfare Fund (Legal Aid) with other directions. The details of the Order as mentioned at para 34 of the Order are reproduced as under:-

"34. While allowing this complaint, we pass the following orders and directions:-

i) We impose punitive damages of Rs. 25,00,000/- (Twenty Five Lacs) upon O.P.1, NDMC, to be deposited in favour of the "State Consumer Welfare Fund (Legal Aid)". Out of this, Rupees 5,00,000/- shall be recovered personally from the Chairperson of the NDMC and from the Director (Horticulture), NDMC, in equal shares by the Secretary of NDMC and shall be remitted in the account of NDMC. This will serve as deterrent and a lesson to the persons at the helm of affairs of the local or civic or government bodies who adopt highly indifferent, insensitive attitude towards the complaints of the complainants and for not protecting the public properties causing huge loss to the exchequer.

ii) O.P − NDMC shall pay Rs. 25,000/- (Twenty Five Thousand) to the complainant Association as cost of the proceedings.

iii) NDMC is hereby restrained from holding any marriage function or parties or any other event in the premises of Talkatora Garden or for that purpose in any other parks maintained by it as the aftermath turns the place in a tiny hell due to stink and stench of leftovers, heaps of garbage and cause nuisance to the morning walkers, picnickers and tourists. For this purpose, it may construct new Community Centres.

iv) NDMC shall restore the playing field in its original condition and shall not use this garden for any purpose like holding any Mela, functions or other event as these cannot be allowed to be a source of income by the O.Ps on the one hand and a source of nuisance for the morning walkers and others and nearby residents as these functions are held for days together, these parks cannot be used by morning walkers and the playfield by the players and other people who come for picnic or even as tourists as blaring music and loud speakers are used in these events throughout the night.

v) The Deputy Commissioner of Police concerned and the SHO of the area shall be responsible for seeing that this park is maintained and its property is protected and no marriage functions or parties or any other event are held.

vi) OP-NDMC and for that purpose every local authority, civic authority or Governmental organization like MCD, DDA is restrained from using any portion of any park or any establishment under its control, for which it is the custodian and responsible for maintenance, for the purpose or for the use of its own employees either under the name of club or institution. No portion of the park shall be used for any purpose other than the public purpose, i.e. allowing people for morning walks or games or for the purpose for which particular area is originally earmarked like open air theatre, swimming pools open for public etc. "

The full text of the Order is available at the website of the Commission vide its address www.delhistatecommission.nic.in.

Against the aforesaid Order, a Writ Petition No.141 of 2007 has been filed by the New Delhi Municipal Corporation before Hon'ble High Court of Delhi instead of filing an Appeal before the National Commission under Section 19 of the Consumer Protection Act, 1986. The Hon'ble High Court vide its Order dated 25.1.2007 passed in CM No.1203 of 2007 has stayed the execution of the Order of the State Commission.